

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

United States of America,)
Plaintiff,)
v.) 11-0098-01-CR-W-FJG
Anthony C. Deloney,)
Defendant.)

ORDER

Pending before this Court is the issue of defendant's mental competency. Having previously been found incompetent to proceed, defendant was ordered committed to the custody of the Attorney General pursuant to 18 U.S. § 4241 (d)(1) for hospitalization for treatment to determine whether there was a substantial probability in the foreseeable future that defendant would attain the capacity to permit trial to proceed (Doc. #32, August 8, 2011). Defendant was transported to the U.S. Medical Center for Federal Prisoners in Springfield, Missouri, for such purpose. Thereafter, on February 21, 2012, Lea Ann Preston Baecht, Ph.D., ABPP, forensic psychologist at Springfield, submitted her report (Doc. #52), finding defendant competent to proceed.

On March 1, 2012, United States Magistrate Judge Sara W. Hays held a hearing to determine if defendant had been restored to competency. The parties stipulated to the Forensic Report prepared by Dr. Baecht and, at the conclusion of the hearing, defense counsel requested an independent evaluation of defendant's competency. Dr. William Logan evaluated defendant on March 26, 2012, and concurred that defendant is competent to proceed.

Judge Hays entered a report and recommendation (Doc. #65, April 20, 2012) finding that defendant is not currently suffering from a mental disease or defect which would prevent him from understanding the nature and consequences of the proceedings against him or assisting in his defense. No objections to the report and recommendation were

filed.

Therefore, with no objections having been filed and after making an independent review of the record, it is

ORDERED that the Report and Recommendation of Magistrate Judge Sara W. Hays is adopted in its entirety. This Court finds that defendant is competent to understand the proceedings against him and to properly assist counsel in his own defense.

/s/Fernando J. Gaitan, Jr.

Fernando J. Gaitan, Jr.

Chief United States District Judge

Dated: May 17, 2012
Kansas City, Missouri